

**RULE 63 (37 C.F.R. 1.63)**  
**INVENTORS DECLARATION FOR PATENT APPLICATION**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

As a below named inventor, I hereby declare that my residence, mailing address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

ADJUSTABLE ARC, ADJUSTABLE FLOW RATE SPRINKLER

the specification of which (check applicable box(s)):

|   |                                |            |                          |
|---|--------------------------------|------------|--------------------------|
| <input type="checkbox"/> is attached hereto                             | as U.S. Application Serial No. | 10/119,294 | (Atty. Dkt. No. 737-206) |
| <input checked="" type="checkbox"/> was filed on                        | April 10, 2002                 | on         |                          |
| <input type="checkbox"/> was filed as PCT International application No. |                                |            |                          |

and (if applicable to U.S. or PCT application) was amended on

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56. I hereby claim foreign priority benefits under 35 U.S.C. 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed or, if no priority is claimed, before the filing date of this application:

Priority Foreign Application(s):

| Application Number | Country | Day/Month/Year Filed |
|--------------------|---------|----------------------|
|--------------------|---------|----------------------|

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

| Application Number | Date/Month/Year Filed |
|--------------------|-----------------------|
|--------------------|-----------------------|

I hereby claim the benefit under 35 U.S.C. 120/365 of all prior United States and PCT international applications listed above or below.

| Prior U.S./PCT Application(s): | Day/Month/Year Filed | Status: patented<br>pending, abandoned |
|--------------------------------|----------------------|--|
|--------------------------------|----------------------|--|

Application Serial No.

|            |               |         |
|------------|---------------|---------|
| 09/818,275 | 28 March 2001 | Pending |
|------------|---------------|---------|

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. And on behalf of the owner(s) hereof, I hereby ask that all communications in this matter be directed to:  
**NIXON & VANDERHYE P.C., 1100 North Glebe Rd., 8<sup>th</sup> Floor, Arlington, VA 22201-4714, telephone number (703) 816-4000.**

|    |                       |  |                 |   |
|----|-----------------------|--|-----------------|---|
| 1. | Inventor's Signature: | <u>George L. Sesser</u>                  | Date:           | <u>6/25/02</u>  |
|    | Inventor:             | George<br>(first)                        | L.<br>MI        | Sesser<br>(last)<br>Washington<br>(citizenship)<br>USA  |
|    | Residence: (city)     | Walla Walla                              | (state/country) | Washington  |
|    | Mailing Address:      | 735 Clay Street, Walla Walla, Washington |                 |   |
|    | (Zip Code)            | 99362                                    |                 |   |
| 2. | Inventor's Signature: | <u>Lee A. Palini</u>                     | Date:           | <u>6/27/02</u>  |
|    | Inventor:             | Lee<br>(first)                           | A.<br>MI        | Perkins<br>(last)<br>Washington<br>(citizenship)<br>USA |
|    | Residence: (city)     | Lowden                                   | (state/country) | Washington  |
|    | Mailing Address:      | 1135 Locher Rd., Lowden, Washington      |                 |   |
|    | (Zip Code)            | 99360                                    |                 |   |

See attached sheet(s) for additional inventor(s) information!!

## RULE 63 (37 C.F.R. 1.63)

INVENTORS DECLARATION FOR PATENT APPLICATION  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|    |                       |   |                  |                      |
|----|-----------------------|---|------------------|----------------------|
| 3. | Inventor's Signature: | <i>Steve T. McCoon</i>                        | Date:            | <u>6-26-02</u>       |
|    | Inventor:             | Steven<br>(first) T.<br>MI                    | McCoon<br>(last) | USA<br>(citizenship) |
|    | Residence: (city)     | Waitsburg                                     | (state/country)  | Washington           |
|    | Mailing Address:      | 5761 Biscuit Ridge Rd., Waitsburg, Washington |                  |                      |
|    | (Zip Code)            | 99361   |                  |                      |
| 4. | Inventor's Signature: | Date: _____                                   |                  |                      |
|    | Inventor:             | (first)                                       | MI               | (last) (citizenship) |
|    | Residence: (city)     |   |                  |                      |
|    | Mailing Address:      |   |                  |                      |
|    | (Zip Code)            |   |                  |                      |
| 5. | Inventor's Signature: | Date: _____                                   |                  |                      |
|    | Inventor:             | (first)                                       | MI               | (last) (citizenship) |
|    | Residence: (city)     |   |                  |                      |
|    | Mailing Address:      |   |                  |                      |
|    | (Zip Code)            |   |                  |                      |
| 6. | Inventor's Signature: | Date: _____                                   |                  |                      |
|    | Inventor:             | (first)                                       | MI               | (last) (citizenship) |
|    | Residence: (city)     |   |                  |                      |
|    | Mailing Address:      |   |                  |                      |
|    | (Zip Code)            |   |                  |                      |

FOR ADDITIONAL INVENTORS, check box  and attach sheet with same information and signature and date for each.

**ASSIGNMENT FOR PATENT APPLICATION**  
**(All Rights)**

WHEREAS, George L. Sesser, Lee A. Perkins, and Steven T. McCoon, (hereinafter ASSIGNORS) of 735 Clay Street, Walla Walla, Washington 99362; 1135 Locher Rd., Lowden, Washington 99360; and 5761 Biscuit Ridge Rd., Waitsburg, Washington 99361; respectively, have invented a certain improvement in ADJUSTABLE ARC, ADJUSTABLE FLOW RATE SPRINKLER for which a so-entitled application for Letters Patent of the United States was filed in the United States Patent and Trademark Office on April 10, 2002 under Serial No. 10/119,294;

WHEREAS, Nelson Irrigation Corporation (hereinafter ASSIGNEE), a corporation of the State of Washington, having an office and place of business at 848 Airport Road, Walla Walla, Washington 99362-2271 is desirous of acquiring an interest therein;

NOW, THEREFORE, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the said ASSIGNORS by these presents hereby sell, assign, and transfer unto the said ASSIGNEE, its successors, assigns, and legal representatives, ASSIGNORS' entire right, title and interest in the United States of America and all foreign countries, in and to the invention as described in the aforesaid application, and to the said application and to all subsequent applications based thereon including any and all continuations, divisions, reissues, and substitutes of said application, and all resulting

patents, together with the right of priority under the International Convention for the Protection of Industrial Property, Inter-American Convention Relating to Patents, Designs and Industrial Models, and any other international agreements to which the United States of America adheres; and the ASSIGNORS hereby authorize and request the Commissioner of Patents and Trademarks to issue said Letters Patent to ASSIGNEE, for its interest as ASSIGNEE, its successors, assigns, and legal representatives. It is understood and agreed that ASSIGNEE'S attorneys Nixon & Vanderhye P.C. have represented only ASSIGNEE and will continue to represent only ASSIGNEE with respect to this invention;

ASSIGNORS hereby agree to execute any papers by ASSIGNEE, its successors, assigns, and legal representatives, deemed essential to ASSIGNEE'S full protection and title in and to the invention hereby transferred; and

ASSIGNORS hereby agree, upon request of ASSIGNEE, and without further remuneration, to execute any and all papers desired by ASSIGNEE, for the filing and granting of foreign applications and the perfecting of title thereto in ASSIGNEE.

AGREED and executed as noted below:

6/25/02  
Date

George L. Sesser  
George L. Sesser

Witnessed by:

Jeanne E. Prayor  
Name:

6/25/2002  
Date:

6/27/02

Date

Witnessed by:

Joanne E. Pryor

Name:

6-26-02

Date

Witnessed by:

Joanne E. Pryor

Name:

Lee A. Perkins

Lee A. Perkins

6/27/2002

Date:

Steven T. McCoon

Steven T. McCoon

6/26/2002

Date:

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

SESSER et al. Atty. Ref.: 737-206

Serial No. 10/119,294 Group: 3752

Filed: April 10, 2002 Examiner: Unknown

For: ADJUSTABLE ARC, ADJUSTABLE FLOW RATE  
SPRINKLER

\* \* \* \* \*

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

**EXCLUSIVE SUBSTITUTE POWER OF ATTORNEY  
AND EXCLUSIVE PROSECUTION HEREAFTER BY  
ASSIGNEE UNDER 37 C.F.R. §§ 1.36, 3.71 AND 3.73**

Nelson Irrigation Corporation, being the owner of all right, title and interest in the above-identified patent application, hereby revokes all previous powers of attorney in this case, if any, and hereby appoints Nixon & Vanderhye, P.C., 1100 North Glebe Rd., 8th Floor, Arlington, Virginia 22201-4714, telephone number (703) 816-4000, facsimile number (703) 816-4100, and the following attorneys thereof (of the same address) individually and collectively its attorneys to prosecute this application and to transact all business in the Patent and Trademark Office in connection therewith, and with the resulting patent: Larry S. Nixon, 25640; Arthur R. Crawford, 25327; James T. Hosmer, 30184; Robert W. Faris, 31352; Richard G. Besha, 22770; Mark E. Nusbaum, 32348; Michael J. Keenan, 32106; Bryan H. Davidson, 30251; Stanley C. Spooner, 27393; Leonard C. Mitchard, 29009; Duane M. Byers, 33363; Jeffry H. Nelson, 30481; John R. Lastova, 33149; H. Warren Burnam, Jr. 29366; Mary J. Wilson, 32955; J. Scott Davidson, 33489; Alan M. Kagen, 36178; Robert A. Molan, 29834; B. J. Sadoff, 36663;

James D. Berquist, 34776; Updeep S. Gill, 37334; Michael J. Shea, 34725; Donald L. Jackson, 41090; Michelle N. Lester, 32331; Frank P. Presta, 19828; Joseph S. Presta, 35329; Joseph A. Rhoa, 37515; Raymond Y. Mah, 41426; Chris Comuntzis, 31097; Gary T. Tanigawa, 43180.

Nelson Irrigation Corporation also authorizes Nixon & Vanderhye to delete any attorney names/numbers no longer with the firm and to act and rely solely on instructions communicated from the person, attorney, firm or other organization sending instructions to Nixon & Vanderhye on behalf of the owner.

Certificate Under 37 C.F.R. §3.73(b)

Nelson Irrigation Corporation, a corporation having a place of business at 848 Airport Road, Walla Walla, Washington 99362-2271 states that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventors to the aforesaid assignee, a copy of the assignment being attached.

The undersigned (whose title is typed below) is empowered to sign this statement on behalf of Nelson Irrigation Corporation.

Nelson Irrigation Corporation

*6/21/02*

Date

By:

*Barton R. Nelson Jr.*

Name:

Barton R. Nelson

Title:

President

**ASSIGNMENT FOR PATENT APPLICATION**  
**(All Rights)**

WHEREAS, George L. Sesser, Lee A. Perkins, and Steven T. McCoon, (hereinafter ASSIGNORS) of 735 Clay Street, Walla Walla, Washington 99362; 1135 Locher Rd., Lowden, Washington 99360; and 5761 Biscuit Ridge Rd., Waitsburg, Washington 99361; respectively, have invented a certain improvement in ADJUSTABLE ARC, ADJUSTABLE FLOW RATE SPRINKLER for which a so-entitled application for Letters Patent of the United States was filed in the United States Patent and Trademark Office on April 10, 2002 under Serial No. 10/119,294;

WHEREAS, Nelson Irrigation Corporation (hereinafter ASSIGNEE), a corporation of the State of Washington, having an office and place of business at 848 Airport Road, Walla Walla, Washington 99362-2271 is desirous of acquiring an interest therein;

NOW, THEREFORE, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the said ASSIGNORS by these presents hereby sell, assign, and transfer unto the said ASSIGNEE, its successors, assigns, and legal representatives, ASSIGNORS' entire right, title and interest in the United States of America and all foreign countries, in and to the invention as described in the aforesaid application, and to the said application and to all subsequent applications based thereon including any and all continuations, divisions, reissues, and substitutes of said application, and all resulting

patents, together with the right of priority under the International Convention for the Protection of Industrial Property, Inter-American Convention Relating to Patents, Designs and Industrial Models, and any other international agreements to which the United States of America adheres; and the ASSIGNORS hereby authorize and request the Commissioner of Patents and Trademarks to issue said Letters Patent to ASSIGNEE, for its interest as ASSIGNEE, its successors, assigns, and legal representatives. It is understood and agreed that ASSIGNEE'S attorneys Nixon & Vanderhye P.C. have represented only ASSIGNEE and will continue to represent only ASSIGNEE with respect to this invention;

ASSIGNORS hereby agree to execute any papers by ASSIGNEE, its successors, assigns, and legal representatives, deemed essential to ASSIGNEE'S full protection and title in and to the invention hereby transferred; and

ASSIGNORS hereby agree, upon request of ASSIGNEE, and without further remuneration, to execute any and all papers desired by ASSIGNEE, for the filing and granting of foreign applications and the perfecting of title thereto in ASSIGNEE.

AGREED and executed as noted below:

6/25/02  
Date

George L. Sesser  
George L. Sesser

Witnessed by:

Jeanne E. Pryor  
Name:

6/25/2002  
Date:

6/27/02

Date

Witnessed by:

Joanne E. Pryor

Name:

6-26-02

Date

Witnessed by:

Joanne E. Pryor

Name:

Lee A. Perkins

Lee A. Perkins

6/27/2002

Date:

Steve T. McCoon

Steven T. McCoon

6/26/2002

Date:

Applicant or Patentee: SESSER et al.Attorney's Dkt. No. 737-206Serial or Patent No.: 10/119,294Filed or Issued: April 10, 2002**ADJUSTABLE ARC, ADJUSTABLE FLOW RATE SPRINKLER****VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS [37 CFR 1.27(a)(2)] - SMALL BUSINESS CONCERN**

I hereby declare that I am

the owner of the small business concern identified below:

 an official of the small business concern empowered to act on behalf of the concern identified below:NAME OF CONCERN Nelson Irrigation CorporationADDRESS OF CONCERN 848 Airport Road, Walla Walla, Washington 99362-2271

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.802, and in 37 CFR 1.27(a)(2), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement (1) the number of employees of the business concern is the average over the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled:

**ADJUSTABLE ARC, ADJUSTABLE FLOW RATE SPRINKLER**

by inventors

SESSER et al.

described in

the specification filed herewith.  
 application Serial No. 10/119,294, filed April 10, 2002  
 patent No. \_\_\_\_\_, issued \_\_\_\_\_

If the rights held by the above-identified small business concern are not exclusive, each person, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person who could not qualify as a person under 37 CFR 1.27(a)(1) or by any concern which would not qualify as a small business concern under 37 CFR 1.27(a)(2), or a nonprofit organization under 37 CFR 1.27(a)(3).

Name \_\_\_\_\_

Address \_\_\_\_\_

 Person     Small Business Concern     Nonprofit Organization

Name \_\_\_\_\_

Address \_\_\_\_\_

 Person     Small Business Concern     Nonprofit Organization

\*Separate verified statement is requested from each person, concern or organization named immediately above having rights to the invention, averring to his/her/its status as a small entity. (37 CFR 1.27)

I acknowledge the duty to file, in this application of patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. [37 CFR 1.27(g)]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF INDIVIDUAL SIGNING Barton R. NelsonTITLE IN ORGANIZATION PresidentADDRESS OF INDIVIDUAL SIGNING 848 Airport Road, Walla Walla, Washington 99362-2271SIGNATURE Barton R. NelsonDATE 6/21/02

Applicant or Patentee: SESSER et al.  
 Serial or Patent No.: 10/119,294  
 Filed or Issued: April 10, 2002  
 For: ADJUSTABLE ARC, ADJUSTABLE FLOW RATE SPRINKLER

Attorney's Dkt. No. 737-206

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS [37 CFR 1.27(a)(1)] - PERSON**

As the below named individual, I hereby declare that I qualify as a person as defined in 37 CFR 1.27(a)(1) for purposes of paying reduced fees under Section 41 (a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled:

**ADJUSTABLE ARC, ADJUSTABLE FLOW RATE SPRINKLER**

described in

the specification filed herewith.  
 application Serial No. 10/119,294, filed April 10, 2002  
 patent No. \_\_\_\_\_

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any party that would not qualify as a person under 37 CFR 1.27(a)(1), a small business concern under 37 CFR 1.27(a)(2) or a nonprofit organization under 37 CFR 1.27(a)(3).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- no such person, concern, or organization  
 persons, concerns or organizations listed below\*

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Name Nelson Irrigation Corporation  
 Address 848 Airport Road, Walla Walla, Washington 99362-2271  
 Person  Small Business Concern  Nonprofit Organization

Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 Person  Small Business Concern  Nonprofit Organization

Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 Person  Small Business Concern  Nonprofit Organization

I acknowledge the duty to file, in this application of patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. [37 CFR 1.27(g)]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

|   |   |   |
|---|---|---|
| George L. Sesser<br>NAME OF PERSON<br><u>George L. Sesser</u><br>Signature<br>6/25/02<br>DATE | Lee A. Perkins<br>NAME OF PERSON<br><u>Lee A. Perkins</u><br>Signature<br>6/27/02<br>DATE | Steven T. McCoon<br>NAME OF PERSON<br><u>Steven T. McCoon</u><br>Signature<br>6-26-02<br>DATE |
|---|---|---|